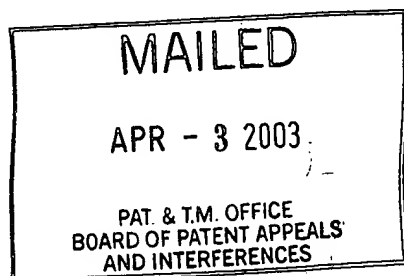




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Sally Gardner Lane
Telephone: (703) 308-9797
Facsimile: (703) 305-0942



Applicants: Hirata et al.
Application No.: 09/214,982
Filed: 01/14/99
For: Novel Vegf-like factor

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,098.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

Sally C. Moody (for)
Sally Gardner Lane
Administrative Patent Judge

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 1

Filed by: Sally Gardner Lane
Administrative Patent Judge
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

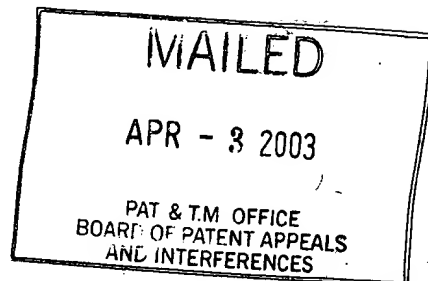
MARC G. ACHEN,
ANDREW F. WILKS, STEVEN A. STACKER,
and KARI ALITALO

Junior Party,
(Patent 6,235,713),

v.

YUICHI HIRATA
and JUNICHI NEZU

Senior Party,
(Application 09/214,982).



Patent Interference No. 105,098

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the patent, application, count, and claims designated as corresponding or as not corresponding to the counts appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Sally Gardner Lane has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for 2:30 pm on 4 JUNE 2003 (the call will be initiated from the PTO).

No later than two business days prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties involved in this interference are:

Junior Party

Named inventors:	Marc G. Achen Fitzroy, Australia Andrew F. Wilks South Yarra, Australia Steven A. Stacker North Fitzroy, Australia Kari Alitalo Espoo, Finland
Application:	08/915,795 filed 21 August 1997, issued as 6,235,713 on 22 May 2001
Title:	VASCULAR ENDOTHELIAL GROWTH FACTOR-D (VEGF-D) POLYPEPTIDES
Assignee:	Helsinki University Licensing Ltd., Oy and Ludwig Institute for Cancer Research
Accorded Benefit: ¹	US 60/051,426, filed 1 July 1997 US 60/038,814, filed 10 February 1997 US 60/031,097, filed 14 November 1996
Attorneys:	See last page
Address:	See last page

¹ While the examiner listed the 60/023,751 Achen application under the proposed priority benefit section of the Form 850, the explanation attached to the Form indicates that "the protein of SEQ ID NO:5 [of the count] does not appear in the disclosure of the application." Thus Achen is not accorded priority benefit of the 60/023,751 application.

Senior Party

Named Inventors: Yuichi Hirata
Ibaraki, Japan

Junichi Nezu
Ibaraki, Japan

Application: 09/214,982, filed 14 January 1999

Title: NOVEL VEGF-LIKE FACTOR

Assignee: Chugai Research Institute for Molecular Medicine, Inc.

Accorded Benefit: PCT/JP97/02456, filed 15 July 1997
JP 8/185216, filed 15 July 1996

Attorneys: See last page

Address: See last page

Part F. Count and claims of the parties

Count 1

The protein of claim 5 of Achen (6,235,713) or claim 11 of Hirata (09/214,982).

The claims of the parties are:

Achen: 1-16

Hirata: 2 and 11

The claims of the parties which correspond to Count 1 are:

Achen: 1-16

Hirata: 2 and 11

The claims of the parties which do not correspond to Count 1 are:

Achen: none

Hirata: none

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See § 18 of the
STANDING ORDER.

_____ . _____
Paper _____

Filed on behalf of [name of party]

By: Name of lead counsel, Esq.
Name of backup counsel, Esq.
Street address
City, State, and Zip-Code
Tel:
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Sally Gardener Lane)

MARC G. ACHEN,
ANDREW F. WILKS, STEVEN A. STACKER,
and KARI ALITALO

Junior Party,
(Patent 6,235,713),

v.

YUICHI HIRATA
and JUNICHI NEZU

Senior Party,
(Application 09/214,982).

Patent Interference No. 105,098

TITLE OF PAPER

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

1. § 7: date for identifying lead and backup counsel.
2. § 8: date for identifying any real party in interest.
3. § 9: date for requesting copies of involved and benefit applications and patents.
4. § 17: date for filing list of proposed preliminary motions.
5. § 19: date for accomplishing certain discovery.
6. § 20: date for filing clean copy of claims.
7. § 21: date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
8. § 23: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
9. § 33: date for objecting to admissibility of evidence.
10. § 34: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
11. § 35: dates when cross-examination can take place.
12. § 45: dates for taking action with respect to settlement discussions

Part I: Order form for requesting file copies

FILE COPY REQUEST

Interference 105,098

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge


SALLY GARDNER LANE
Administrative Patent Judge

3 April 2003
Arlington, VA

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference (ORDERTE6)

PTO Form 850 and examiner's statement

Copy of pending claims in 09/214,982

Copy of claims in US 6,235,713

DECLARE.007
Revised 12 October 2000
(replaces DECLARE.006.1)

cc (via Federal Express):

Attorney for Achen (real parties in interest: Helsinki University Licensing Ltd. Oy and Ludwig Institute for Cancer Research):

J. D. Evans
CROWELL & MORING, L.L.P.
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004

Attorney for Hirata (real party in interest: Chugai Research Institute for Molecular Medicine, Inc.):

Paul T. Clark
CLARK & ELBING
176 Federal Street
Boston, MA 02110